

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT

IN RE:	:	CHAPTER 13
MARK E. MCCOY	:	
MARK EDWARD MCCOY	:	
SANDRA LEAH MCCOY	:	
SANDRA L. MCCOY	:	
	:	
	:	
Debtor(s)	:	CASE NO. 1:13-bk-04036RNO
	:	
	:	
CHARLES J. DEHART, III	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs	:	
	:	
	:	
MARK E. MCCOY	:	
MARK EDWARD MCCOY	:	
SANDRA LEAH MCCOY	:	
SANDRA L. MCCOY	:	MOTION TO DISMISS
Respondent(s)	:	

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, comes Charles J. DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney James Jones, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on August 05, 2013
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates: January 15, 2014 September 15, 2014
July 09, 2015 December 15, 2015 May 11, 2016 January 11, 2017
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is approximately three months in default with arrearages of \$1,709.62

through April 2017.

6. The non-payment of Debtor's plan obligation is
 - a. a material default with respect to the confirmed plan; and
 - b. an unreasonable delay by Debtor that is prejudicial to creditors.
7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Respectfully submitted,

Charles J. DeHart, III
Standing Chapter 13 Trustee

/s/ James Jones
James Jones, Esquire
Attorney for Movant
8125 Adams Drive, Suite A
Hummelstown, PA 17036
717-566-6097
FAX 717-566-8313
jjones@pamd13trustee.com

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

MARK E. MCCOY

MARK EDWARD MCCOY

SANDRA LEAH MCCOY

SANDRA L. MCCOY

:
:
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:
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:
:

CASE NO: 1-13-04036RNO

MOTION TO DISMISS

NOTICE TO PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely plan payments pursuant to the Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion.

Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

CONFERENCE before Trustee:

June 28, 2017 at 9:00 a.m.

Dismissal Conference Room

Courtroom 2

Ronald Reagan Federal Bldg

3rd Floor, Third and Walnut Streets

Harrisburg, PA 17101

HEARING:

June 28, 2017, at 10:05 a.m.

Ronald Reagan Federal Bldg

Bankruptcy Courtroom

3rd Floor, 228 Walnut St

Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend this conference or the dismissal hearing unless one of the following takes place on or before: **June 21, 2017.**

1. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the U.S. Bankruptcy Court in Harrisburg, PA, on or before June 21, 2017.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary dismissal with the U.S. Bankruptcy Court in Harrisburg, PA and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT IMMEDIATELY AFTER YOUR CONFERENCE WITH THE TRUSTEE AND MAY RESULT IN DISMISSAL OF YOUR CASE. PAYMENT IN FULL WILL NOT EXCUSE YOU FROM THE HEARING.

Any questions concerning plan arrearage should be directed to Trustee DeHart's office at (717) 566-6097, Monday - Friday, 9:00 a.m. to 4:00 p.m. Do not call the Bankruptcy Court, as the Court does not maintain records for debtor's payment status.

DATE: May 4, 2017

CHARLES J. DEHART, III, TRUSTEE

CERTIFICATE OF SERVICE

The Trustee, Charles J. DeHart, III, certifies that this NOTICE TO PARTIES IN INTEREST was served upon Debtor(s) and his/her counsel of record by depositing the same in the U.S. Mail, first class, postage prepaid on May 4, 2017, unless notified electronically.

MARK E. MCCOY
MARK EDWARD MCCOY
SANDRA LEAH MCCOY
SANDRA L. MCCOY
1550 FILBERT STREET
YORK, PA 17404
(Debtors)

GARY J. IMBLUM, ESQUIRE
4615 DERRY STREET
HARRISBURG, PA 17111-
(Attorney for Debtors)

RESPECTFULLY SUBMITTED,

/s/Liz Joyce

Liz Joyce

For Charles J. DeHart, III,
Standing Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

MARK E. MCCOY

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SANDRA L. MCCOY

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III

CHAPTER 13 TRUSTEE

Movant

CASE NO: 1-13-BK-04036RNO

vs.

MARK E. MCCOY

MARK EDWARD MCCOY

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SANDRA L. MCCOY

Respondent(s)

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.